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**Amendment No. 10 to HB3067**

**McMillan  
Signature of Sponsor**

**AMEND Senate Bill No. 2738\***

**House Bill No. 3067**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-10-302(d), is amended by adding the following language at the end of the subsection:

If the candidate has exceeded the limits set forth in subdivision (1) or (2) by seven thousand five hundred dollars (\$7,500) or less in the aggregate and if within five (5) business days after the earlier of (1) discovery by the candidate or (2) the receipt of notification of such fact by the registry the candidate returns or refunds the excess to the person(s) who made the contribution(s) which resulted in a violation of subdivision (1) or (2), acceptance of such excess contribution shall not be a violation of this part.

SECTION 2. Tennessee Code Annotated, Section 2-10-102(6), is amended by deleting the subdivision in its entirety, and by substituting instead the following language:

(6) "File" or "filed" means the date actually deposited with or received by the appropriate office.

SECTION 3. Tennessee Code Annotated, Title 2, Chapter 10, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_\_. To be timely filed a disclosure report must be filed with the appropriate office on the due date by hand-delivery, overnight mail postmarked the day before the report is due, facsimile, or electronically in a form approved by the registry or county election commission as appropriate. If a report is filed with the registry or county election commission by facsimile or electronically the

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original report must be placed in the mail and postmarked no later than the date the report is due.

SECTION 4. Tennessee Code Annotated, Section 2-10-110, is amended as follows:

(1) in subsection (a)(1)(A) by deleting the second sentence in its entirety and by substituting instead the following language:

A civil penalty of twenty-five dollars (\$25.00) a day shall begin to accrue on the day following the date the report is due and will continue to accrue until the report is filed or for thirty (30) days, whichever occurs first.

(2) in subsection (a)(1)(E) by deleting the second sentence in its entirety and by substituting instead the following language:

A civil penalty of twenty-five dollars (\$25.00) a day shall begin to accrue on the day following the date the report is due and will continue to accrue until the report is filed or for thirty (30) days, whichever occurs first.

(3) in subsection (a)(2) by deleting the first sentence in its entirety and by substituting instead the following language:

"Class 2 offense" means failing to file a report required by this part within thirty (30) days following the date the report is due or any other violation of the requirements of this part.

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SECTION 5. Tennessee Code Annotated, Section 8-50-505 is amended by deleting the language ", by Acts 1989, Ch. 585".

SECTION 6. Tennessee Code Annotated, Section 2-10-303(5), is amended by adding the following language after the first sentence:

It is an expenditure within the meaning of this subdivision where the candidate or the candidate's committee or agent may exercise control over, or where there has been substantial discussion or negotiation between the candidate or the candidate's committee or agent and the person making the expenditure over, a communication's contents, timing, location, mode, intended audience or volume.

SECTION 7. Tennessee Code Annotated, Section 2-10-105, is amended by adding the following language as a new subsection (j):

(j) If a person makes a purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value for a communication, except those communications exempt under §2-10-102(3)(B), (C) or (D), that refers to one or more clearly identified candidates for state public office by name, picture, likeness, or otherwise, and such communication is transmitted through radio, television, billboard, newspaper, magazine or other periodical, or any other medium within sixty (60) days of the date of an election, then, if the total disbursements or obligations of such person for such communication related to any particular candidate for state public office exceeds two hundred fifty dollars (\$250) at any time within such sixty (60) days, such person shall file a statement

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with the registry of election finance disclosing all receipts and disbursements made related to such communication within three (3) days of such date and otherwise on the dates set forth in this section for reports by candidates, except that the deadlines contained in subsection (h) shall apply to any disbursements by the person in excess of twenty five hundred (\$2,500). Reports filed pursuant to this subsection shall contain the information described in subsection (h) or in Section 2-10-107, as appropriate.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.